IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 16807 of 2006

DATED: 11.8.2006

Between:

B.S. Narayana petitioner

And

APSRTC, Musheerabad,
Hyderabad
Rep by its Managing Director and another
Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION No. 16807 of 2006

ORAL ORDER:

Questioning the proceedings No. 02/95(31)/06-PKT dated 26.7.2006 issued by the second respondent calling for the petitioner to explain why the punishment of removal from service should not be imposed, the present writ petition is filed.

The facts which are necessary for the disposal of the present case are that the petitioner is employed as conductor in the respondent corporation. While so, he was issued with a charge sheet dated 5.5.2006 alleging cash and ticket irregularities on 29.4.2006 on route Srisailam to Jubilee Bus Station. The petitioner submitted his explanation stating that while he was tallying the number of tickets issued with that of number of passengers, a check was conducted and the passengers in question in their spot statement clearly stated that due to their fault, they could not purchase the ticket and there was no fault on the part of the conductor. Having not satisfied with the explanation offered by the petitioner, an enquiry was ordered and a charge sheet was issued to the petitioner on 5.5.2006. On completion of the enquiry, the enquiry officer submitted a report holding the petitioner guilty of the charges alleged against him. The petitioner submitted his objections to the enquiry proceedings and without considering the same, the impugned show cause notice dated 26.7.2006 was issued to the petitioner, proposing to impose the penalty of removal from service. The petitioner challenges the said proceedings on the ground that the same are violative of circular PD No. 32 /91 dated 24.9.2001 and Articles 14, 16 and 21 of the Constitution of India.

The main contention of the learned counsel for petitioner is that there is no fault on the part of the petitioner in not issuing the tickets to

the passengers in question and the passengers have agreed their fault in the spot statement and also paid the fine amount imposed by the Checking Officials. It is further stated that the impugned proceedings are in violation of clause VII of Circular No.32/91-OPD© dated 24.9.1991, which clearly specify that the punishment of removal from service will be imposed in case of serious cash and ticket irregularities such as re-issue of tickets, sale of fake tickets, unconcerned tickets, alterations in SR and the way bill etc.

The impugned order dated 26.7.2006 is only a show cause notice calling for the explanation of the petitioner. The petitioner can very well raise all the contentions raised before this Court, including the contention that extreme penalty of removal from service can only be imposed in cases of serious cash and ticket irregularities. It is for the concerned authorities to consider the explanation of the petitioner and to take appropriate decision in the matter in terms of the circular guidelines on the subject. It would be premature to say that the respondents may not consider the explanation offered by the petitioner. Hence, this Court deems it fit to direct the petitioner to submit his explanation within a period of ten days from the date of receipt of copy of this order, raising all his contentions, including the circular guidelines in Circular No. SM (C)/HES(11)/90-OPD (C) dated 24.9.1991. On filing such an explanation, the respondents are directed to consider the same and pass appropriate speaking orders in accordance with law and the circular guidelines of the corporation, including circular dated 24.9.1991.

Subject to above directions, the writ petition is disposed of.
No costs.

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N.V.RAMANA,J

DATE: 11.8.2006

TVK

THE HON'BLE MR JUSTICE N.V. RAMANA

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